

FILED 16 JAN 5 16 59 USDC-OR

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

FERNANDO MORALES, JR

(Enter full name of plaintiff(s))

Plaintiff(s),

v.

KCAG GALE McMAHON  
KLAMATH COUNTY ANIMAL CONTROL  
KLAMATH HUMANE SOCIETY  
(Enter full name of ALL defendant(s))  
CITY OF KLAMATH FALLS POLICE DEPT.  
Defendant(s).

Civil Case No. 1:16-cv-00013-AA

(to be assigned by Clerk of the Court)

COMPLAINT

Jury Trial Demanded

☒ Yes

☐ No

I. PARTIES

List your name, address, and telephone number below, and the same information for each defendant. Make sure that the defendant(s) listed below are identical to those contained in the caption of the complaint. Attach additional sheets of paper if necessary.

Plaintiff

Name: FERNANDO MORALES, JR.

Street Address: 5725 SUMMERS LANE

City, State & Zip Code: KLAMATH FALLS, OR 97603

Telephone No. (541) 591-5258

COMPLAINT

Revised: July 20, 2010

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Defendant No. 1 Name: KCAC GALE McMAHON  
 Street Address: 4250 WASHBURN WAY  
 City, State & Zip Code: KLAMATH FALLS, OR 97603  
 Telephone No. (541) 882-1279

Defendant No. 2 Name: KLAMATH COUNTY ANIMAL CONTROL  
 Street Address: 4250 WASHBURN WAY  
 City, State & Zip Code: KLAMATH FALLS, OR 97603  
 Telephone No. (541) 882-1279

Defendant No. 3 Name: KLAMATH HUMANE SOCIETY  
 Street Address: 4240 WASHBURN WAY  
 City, State & Zip Code: KLAMATH FALLS, OR 97603  
 Telephone No. (541)

Defendant No. 4 Name: CITY OF KLAMATH FALLS POLICE DEPT.  
 Street Address: 2501 SHASTA WAY  
 City, State & Zip Code: KLAMATH FALLS, OR 97601  
 Telephone No. (541) 884-7387

## II. JURISDICTION

*Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. A case involving the United States Constitution or federal laws or treaties is a federal question case. A case in which a citizen of one state sues a citizen of another state and the amount in damages claimed is more than \$75,000 is a diversity of citizenship case.*

A. What is the basis for federal court jurisdiction (check all that apply)

☒ Federal Question

☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory, or treaty right is at issue?

UNREASONABLE SEIZURE - DUE PROCESS VIOlation

- C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state of citizenship \_\_\_\_\_

Defendant(s) state(s) of citizenship \_\_\_\_\_

### III. STATEMENT OF CLAIMS

#### Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

ON APRIL 4, 2015 KCAC GALE M<sup>c</sup>MAHON, KLAMATH COUNTY ANIMAL CONTROL, KLAMATH HUMANE SOCIETY AND THE CITY OF KLAMATH FALLS POLICE DEPT. RAIDED OUR FAMILY HOME AND SEIZED ALL 28 OF MY SHOW BIRDS (ROOSTERS), WHICH WERE SUBSEQUENTLY DESTROYED.

EVEN THOUGH THEY FOUND NO EVIDENCE OF COCK FIGHTING ON OUR PROPERTY THE BIRDS WERE SEIZED ANYWAY AND DESTROYED ANYWAY. ~~AND~~ THEY ALSO IMPOUNDED MY DOG, WHO WAS NOT ON THE WARRANT, WHEN I ASKED WHAT WOULD HAPPEN TO HIM I WAS TOLD THAT IF I DIDN'T ADMIT TO THE COCK-FIGHTING I WOULD NOT GET MY DOG BACK AT ALL.

### Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

DURING THE "INTERVIEW" AT THE POLICE DEPT., I TOLD THE OFFICERS OVER 40 TIMES THAT I WASN'T INVOLVED IN COCK FIGHTING, NOT IN TRAINING THEM OR SELLING THEM. BUT THAT IS NOT WHAT THEY WANTED TO HEAR SO THEY CONTINUED TO THREATEN ME USING MY DOG AS A PAWN.

THE POLICE EVEN TOLD MY MOTHER THAT UNLESS I STARTED COOPERATING AND CONFESSED TO THE COCK FIGHTING WE WOULD NEVER SEE OUR DOG AGAIN.

### Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

THE POLICE AND ANIMAL CONTROL AGENCIES THAT WERE THERE DURING THE RAID, CONFISCATED THINGS THAT WERE ~~NOT~~ NOT ON THE WARRANT AND HAVE YET TO GIVE THEM BACK, SUCH AS MY SISTER'S CELL PHONE THAT SHE STILL HAS TO PAY FOR AND HAD TO GET ANOTHER ONE, OUR HOUSEHOLD BILLS, OUR SHAVERS, THEY TOOK PICTURES OF THE INSIDE OF THE REFRIGERATOR, THESE THINGS WERE DONE STRICTLY FOR THE PURPOSE OF SHAMING AND DEMEANING US, AND THAT'S DISCRIMINATION.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

## IV. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

THE 28 BIRDS THEY IMPOUNDED AND DESTROYED CANNOT BE REPLACED AS THEY WERE BIRDS WE BRED OURSELVES. THESE BIRDS WERE CAREFULLY AND LOVINGLY RAISED, THEY WERE WELL GROOMED WITH BEAUTIFUL MULTI-COLORED PLUMES (~~THEY WERE ALSO TRAINED TO PERFORM TRICKS~~). ONE OF THE BIRDS WAS 13 YEARS, SAME AS ME, WE GREW UP TOGETHER. THE TIME AND ENERGY AND HARD WORK THAT WE HAVE UPENT ON THESE BIRDS IS ALSO LOST.

I AM ASKING FOR \$750,000.00 SINCE IT WAS KCAC M<sup>C</sup> MAHON WHO STATED EACH BIRD <sup>WAS</sup> WORTH \$14,000. X 28 = \$392,000.00, SO SURELY MY TIME IN RAISING THEM SHOULD EASILY BE WORTH THAT.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4<sup>th</sup> day of JANUARY, 2016.

FERNANDO MORALES, JR.  
FERNANDO MORALES JR  
 (Signature of Plaintiff(s))